



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

VIA UPS

NOV 15 2016

Mr. Robert Faulconer
Valmont Virginia Galvanizing
3535 Halifax Road
Petersburg, VA 23805

Re: Notice of Violation
Compliance Evaluation Inspection
June 21, 2016
EPA ID No. VAR000010215

Docket No: R3-17-NOV-RCRA-007

Dear Mr. Faulconer:

On June 21, 2016 the U.S. Environmental Protection Agency, Region III ("EPA") conducted a Compliance Evaluation Inspection ("CEI") of your facility under the federally authorized Commonwealth of Virginia Hazardous Waste Management Regulations ("VAHWMR") and the Resource Conservation and Recovery Act ("RCRA"), as amended, 42 U.S.C. Sections 6901 et seq. The Inspection Report is enclosed with this letter. Based on the inspection, EPA has determined that Valmont Virginia Galvanizing in Petersburg, VA ("Valmont" or the "Facility") has violated regulations under VAHWMR and RCRA. As a result of this determination, EPA is issuing this Notice of Violation ("NOV"). The specific violations are:

1. Failure to make a hazardous waste determination with spent aerosol cans of Brite Zinc being disposed in the trash in the Dressing Area (Photos #52 and #53), as promulgated in 9 VAC 20-60-262, which incorporates by reference 40 CFR §262.11(c)(2), which requires the application of the knowledge of the hazard characteristic of the waste in light of the materials or the processes used.
2. Failure to list home addresses of all persons qualified to act as emergency coordinator in the facility's Emergency Response Plan, as required by 9 VAC 20-60-265, which incorporates by reference [40 CFR §265.52(d)].
3. Failure to list all emergency equipment at the facility (such as fire extinguishing systems, spill control equipment, communications and alarm systems (internal and external), and decontamination equipment), in the facility's Emergency Response Plan, where this equipment is required. This list must be kept up to date. In addition, the plan must include

the location and a physical description of each item on the list, and a brief outline of its capabilities, as required by 9 VAC 20-60-265, which incorporates by reference [40 CFR §265.52(e)].

4. Failure to describe arrangements agreed to by local police departments, fire departments, hospitals, contractors, and State and local emergency response teams to coordinate emergency services, in the facility's Emergency Response Plan, as required by 9 VAC 20-60-265, which incorporates by reference [40 CFR §265.52(c)].
5. Failure to keep Universal Waste Lamps in a closed container (Photos #54 and #55), pursuant to 9 VAC 20-60-273, which incorporates by reference [40 CFR §273.13(d)(1)], requiring a small quantity handler of universal waste contain any lamp in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages must remain closed and must lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions.
6. Failure to mark the container of Universal Waste Lamps with the start accumulation date (Photos #54 and #55), as set forth in 9 VAC 20-60-273, which incorporates by reference [40 CFR §273.15(c)(1)], which requires that a small quantity handler of universal waste who accumulates universal waste must be able to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste or is received. The handler may make this demonstration by placing the universal waste in a container and marking or labeling the container with the earliest date that any universal waste in the container became a waste.
7. Failure to label the container of Universal Waste Lamps (Photos #54 and #55), as set forth in 9 VAC 20-60-273, which incorporates by reference [40 CFR §273.14(e)], which requires that each lamp or a container or package in which such lamps are contained must be labeled or marked clearly with one of the following phrases: "Universal Waste—Lamp(s)," or "Waste Lamp(s)," or "Used Lamp(s)".

Area of Concern

In the less than 90 day hazardous waste accumulation area, the inspectors observed (6) open 55-gallon containers of waste flux sludge (Photos #28, #31 and #32), that were labeled as non-hazardous. These containers should be sealed until the process requires their opening for transfer into the pans.

Within twenty (20) calendar days of the receipt of this NOV, please submit a response documenting the measures the facility has taken or is taking to achieve compliance with the violations noted above or provide an explanation of facts and circumstances that cause you to believe that EPA's determination of the alleged violations are in error. If the compliance measures identified are planned or are on-going, please provide a schedule for when the

compliance measures will be completed. The inspection reports document that violation #1, #2, and #4 were corrected during the inspection so there is no need to include them in your response.

Section 3008(a) of RCRA authorizes EPA to take an enforcement action whenever it is determined that any person has violated, or is in violation, of any requirement of RCRA as amended. Such an action could include a penalty of up to \$37,500 per day of violation. In addition, failure to achieve and maintain compliance with the regulations cited in this NOV may be treated as a repeated offense and may constitute a "knowing" violation of Federal law.

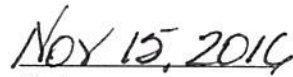
This NOV is not intended to address all past violations, nor does it preclude EPA from including any ongoing, including the one cited in this letter, or past violations in any future enforcement action. Response to this NOV shall be addressed to:

Eric Greenwood
Land and Chemicals Division (3LC70)
U.S. Environmental Protection Agency - Region III
1650 Arch Street
Philadelphia, PA 19103

With regard to the Small Business Regulatory Enforcement and Fairness Act (SBREFA), please see the Information for Small Businesses memo, enclosed, which might be applicable to your company. This enclosure provides information on contacting the SBREFA Ombudsman to comment on federal enforcement and compliance activities and also provides information on compliance assistance. As noted in the enclosure, any decision to participate in such program or to seek compliance assistance does not relieve you of your obligation to respond in a timely manner to an EPA request or other enforcement action, create any rights or defenses under law, and will not affect EPA's decision to pursue this enforcement action. To preserve your legal rights, you must comply with all rules governing the administrative enforcement process. The Ombudsman and fairness boards do not participate in the resolution of EPA's enforcement action. EPA has not made a determination as to whether or not you [or your company] are covered by the SBREFA.



Carol Amend, Associate Director
Land and Chemicals Division
Office of Land Enforcement



Date

Enclosure

cc: ✓ Kristen Sadtler (VADEQ) w/o Enclosure
Pauline Belgiovane (3LC70) w/o Enclosure
Eric Greenwood (3LC70) w/o Enclosure